

REMARKS/ARGUMENTS

The Office Action mailed September 29, 2005, has been received and reviewed. Claims 1 through 41 are currently pending in the application. Applicants acknowledge and affirm the election to prosecute the invention of Group I, claims 1 through 21. Claims 22 through 41 have been withdrawn from consideration as being drawn to a nonelected invention. Claims 20 and 21 are allowed. Claims 1 through 4, 9 through 15, and 17 through 19 stand rejected. Claims 5 through 8 and 16 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation.

Applicants have cancelled claims 22 through 41, amended claims 1, 5, 13, 15, 16 and 18, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 3,145,668 to Pantazos

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Pantazos (U.S. Patent No. 3,145,668). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 is directed to a platform assembly. As amended herein, the platform assembly of claim 1 comprises: a first assembly having at least one longitudinally extending member; a second assembly having at least one longitudinally extending member, the second assembly being longitudinally, slidably coupled with the first assembly, the first assembly and the second assembly cooperatively defining an intended working surface; at least one catch member pivotably coupled to the first assembly, the at least one catch member being pivotable about an axis that is substantially parallel to the intended working surface and substantially perpendicular to a longitudinal axis of the at least one longitudinally extending member of the first assembly; and at least one stop member coupled to the first assembly and configured to maintain a rotation of the at least one catch member at less than a full revolution.

The Examiner cites Pantazos as disclosing “a platform assembly 20 of first assembly 22 with longitudinally extending members 41, 43 and pivoting catch member 44 engageable with stop member 48, and a second assembly 40 that is slidably coupled to the first assembly.” (Office Action, page 4). However, Applicants submit that Pantazos fails to describe all of the limitations of the presently claimed invention.

Specifically, Applicants submit that Pantazos fails to describe at least one catch member pivotably coupled to the first assembly, *the at least one catch member being pivotable about an axis that is substantially perpendicular to a longitudinal axis of the at least one longitudinally extending member of the first assembly*. Rather, the locking bar (44), which the Examiner cites as being a catch member, pivots about an axis that appears to be parallel or substantially collinear with a longitudinal axis of the portions (41 and 43) which the Examiner cites as longitudinally extending members.

As such, Applicants submit that claim 1 is clearly allowable over Pantazos and respectfully request reconsideration and allowance thereof.

Anticipation Rejection Based on U.S. Patent No. 1,359,452 to Walker

Claims 1 through 4, 13, 14, 17, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Walker (U.S. Patent No. 1,359,452). Applicants respectfully traverse this rejection, as hereinafter set forth.

Independent claim 1 is directed to a platform assembly. As amended herein, the platform assembly of claim 1 comprises: a first assembly having at least one longitudinally extending member; a second assembly having at least one longitudinally extending member, the second assembly being longitudinally, slidably coupled with the first assembly, the first assembly and the second assembly cooperatively defining an intended working surface; at least one catch member pivotably coupled to the first assembly, the at least one catch member being pivotable about an axis that is substantially parallel to the intended working surface and substantially perpendicular to a longitudinal axis of the at least one longitudinally extending member of the first assembly; and at least one stop member coupled to the first assembly and configured to maintain a rotation of the at least one catch member at less than a full revolution.

The Examiner cites Walker as disclosing a “scaffold assembly 1 having a sliding platform assembly 3 with longitudinally extending first and second portions having rectangular parallel members that are slidably interwoven, as best seen in Figure 2, each portion further having attached thereon pivoting catch assembly 22 (cleat/stop member), 23 (pivot pin), 24 (pivoting catch member), the platform assembly having a similar work/opposed surface.” (Office Action, page 4).

Applicants submit that Walker fails to describe all of the limitations of claim 1 of the presently claimed invention. First, Applicants submit that Walker fails to teach a catch assembly and at least one stop member as set forth in the presently claimed invention. While the Examiner points to members 22, 23 and 24 as a catch assembly, Applicants note that such members are actually part of a clamping mechanism. Specifically, Walker describes the following with respect to this clamping mechanism:

A slidable cleat 22 is ...connected with [the] projecting end by means of a bolt or its equivalent 23. This bolt serves as a pivot for a cam lever 24 which, when oscillated, will cause the cleat 22 to be firmly pressed into engagement with the cooperative edge of the horizontal member 3, thus securely uniting both of the ends of the bar 9 in conjunction with said horizontal member. (Page 2, lines 78-87).

Moreover, even assuming *arguendo* that Walker describes a catch member and a stop member as set forth in claim 1 of the presently claimed invention, Applicants submit that Walker fails to describe a platform assembly having at least one catch member pivotably coupled to the first assembly, the at least one catch member being pivotable about an axis that is *substantially parallel to the intended working surface* and *substantially perpendicular to a longitudinal axis of the at least one longitudinally extending member of the first assembly*. Rather, the cam lever (24), which the Examiner cites as a catch member, pivots about an axis that is *substantially perpendicular* to the intended working surface of the scaffold assembly.

Applicants, therefore, submit that claim 1 is clearly allowable over Walker. Applicants further submit that claims 2 through 4, 13, 14, 17, and 18 are also allowable at least by virtue of their dependency from an allowable base claim.

With respect to claims 3 and 4, Applicants submit that Walker fails to describe at least one catch member pivotably coupled to the second assembly and least one stop member coupled to the second assembly and configured to maintain a rotation of the at least one catch member coupled to the second assembly at less than a full revolution. Again, Applicants note that the member cited by the Examiner as being a catch member is clearly described by Walker as being a cam lever for a clamping mechanism.

Applicants, therefore, respectfully request reconsideration and allowance of claims 1 through 4, 13, 14, 17 and 18.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 1,359,452 to Walker in View of U.S. Patent No. 3,790,417 to Paterson et al.

Claims 9 through 12 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker (U.S. Patent No. 1,359,452) in view of Paterson et al. (U.S. Patent No. 3,790,417). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of the claims are improper because the references relied on by the Examiner fail to teach or suggest all of the limitations of the presently claimed invention and because there is a lack of motivation to combine the references in the manner proposed by the Examiner.

Each of claims 9 through 12 and 15 ultimately depend from independent claim 1. The Examiner relies on Walker as applied to claim 1 and then cites Paterson as advanced in the Office Action of Jan. 31, 2005.

As set forth hereinabove, Walker fails to teach or suggest all of the limitations of claim 1 of the presently claimed invention. More specifically, Applicants maintain that Walker fails to teach or suggest a catch member and a stop member as recited by claim 1. Moreover, Walker fails to teach or suggest a platform assembly having at least one catch member pivotably coupled to the first assembly, the at least one catch member being pivotable about an axis that is *substantially parallel to the intended working surface and substantially perpendicular to a longitudinal axis of the at least one longitudinally extending member of the first assembly*. Applicants submit that Paterson likewise fails to teach or suggest such subject matter.

Applicants, therefore, submit that claims 9 through 12 and 15 are allowable as being dependent from an allowable base claim as well as for the additional patentable subject matter introduced thereby.

With respect to claim 9, applicants submit that Walker and Paterson fail to teach or suggest that at least one of the first and second pluralities of longitudinally extending members are each formed of a material comprising aluminum.

With respect to claims 10 through 12, Applicants submit that there is a lack of motivation to combine the Walker and Paterson in the manner proposed by the Examiner and, further that Walker and Paterson fail to teach or suggest that at least one of the first and second pluralities of longitudinally extending members are each formed of a composite material wherein the composite material includes fiberglass.

Applicants note that Paterson describes a method of producing fiberboard or hardboard by bonding cellulosic fibers with a thermosetting or thermoplastic resin by providing a layered structure of resin layers and resin-treated fiber layers. However, the fibers used by Paterson are stated to be cellulosic, not fiberglass as asserted by the Examiner. Additionally, while Paterson asserts that the resultant fiberboard is dimensionally stable “with respect to moisture absorption or desorption,” (col. 1, lines 29-30), applicants submit that there is no teaching or suggestion that such fiberboard would be desirable in a structural context *such as to form a longitudinally extending member of a platform assembly*.

Applicants, therefore, respectfully request reconsideration and allowance of claims 9 through 12 and 15.

Obviousness Rejection Based on U.S. Patent No. 1,359,452 to Walker in View of U.S. Patent No. 3,765,509 to Taylor

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker (U.S. Patent No. 1,359,452) in view of Taylor (U.S. Patent No. 3,765,509). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 19 depends from independent claim 1 by way of intervening claim 2 and introduces the additional subject matter of the intended working surface including a textured surface.

In rejecting claim 19, the Examiner relies on Walker as applied to claim 2, and cites Taylor as advanced in the Office Action of Jan. 31, 2005.

As set forth hereinabove, Walker fails to teach or suggest all of the limitations of claim 1 of the presently claimed invention. More specifically, Applicants maintain that Walker fails to teach or suggest a catch member and a stop member as recited by claim 1. Moreover, Walker fails to teach or suggest a platform assembly having at least one catch member pivotably coupled to the first assembly, the at least one catch member being pivotable about an axis that is *substantially parallel to the intended working surface and substantially perpendicular to a longitudinal axis of the at least one longitudinally extending member of the first assembly*. Applicants submit that Taylor likewise fails to teach or suggest such subject matter.

As such, Applicants submit that claim 19 is clearly allowable at least by virtue of its dependency from an allowable base claim.

Moreover, Applicants note that Taylor discloses a scaffold system wherein pads are secured to the *underside* of associated planks. These pads “are constructed of slightly resilient, non-slip material such as synthetic rubber.” (col. 2, lines 4-5). The pads are constructed to prevent slippage between the planks and bars of the scaffold system. Taylor, however, does not appear to disclose a *textured* surface on the *intended working surface* of the planks.

Applicants, therefore, respectfully request reconsideration and allowance of claim 19.

Allowed Claims

Claims 20 and 21 are allowed.

Objections to Claims 5 through 8 and 16/Allowable Subject Matter

Claims 5 through 8 and 16 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form.

Applicant has rewritten claim 5 in independent form and claims 6 through 8 depend from now independent claim 5. Applicant has also rewritten claim 16 in independent form

Applicants, therefore, submit that claims 5 through 8 and 16 are in condition for allowance and respectfully request the same.

ENTRY OF AMENDMENTS

The amendments to claims 1, 5, 13, 15, 16 and 18 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 1 through 21 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley B. Jensen", followed by a horizontal line.

Bradley B. Jensen
Registration No. 46,801
Attorney for Applicant(s)
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: December 29, 2005
BBJ/ps:slm
Document in ProLaw